



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2685

DATE SCANNED

11/6/13

SCANNER NO.

2

SCAN OPERATOR

SES

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAR 29 PM 1:27

March 29, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: *AP* Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sarl Pickerall *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2012 30 Day Post-General Report
(Unauthorized Filers) For The Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2012 30 Day Post-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized committees that failed to file or timely file the 2012 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2012 through November 26, 2012 (57 days), was reviewed for activity which would have required the filing of a 12 Day Report. If our

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research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 25% (17 days (12G Filing Period)/57 days (30G Filing Period)). The committees identified through this process as failing to file or failing to timely file the 12 Day Pre-General Report were included in the Reason to Believe Recommendation circulated to the Commission on March 28, 2013. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Reports based on the estimated levels of activity described above and are included on the attached list.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2012 POST-GENERAL Not Election Sensitive 12/06/2012 UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|---|----------------|-------------------|-----------|----|--------------|-----------|----------|-------------|
| 2671 | C00420125 | CHIANG PATEL AND YERBY INC PAC | | DAVID W. HAYS | \$146,325 | 1 | 1/31/2013 | Not Filed | \$2,000 | \$312 |
| 2672 | C00422352 | CLEAN ENERGY PAC OF IBERDROLA RENEWABLES, INC. | | RICHARD A GLICK | \$119,987 | 0 | 1/14/2013 | Not Filed | \$25,473 | \$990 |
| 2673 | C00451518 | CROWE PAC | | ROBERT W. LAZARD | \$267,737 | 0 | 12/12/2012 | 6 | \$24,149 | \$140 |
| 2674 | C00468009 | EDWARDS WILDMAN PAC INC | | KEITH KOTLER | \$418,082 | 0 | 2/22/2013 | Not Filed | \$22,291 | \$550 |
| 2675 | C00163956 | I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE | | ROBERT J. BURNS | \$756,776 | 0 | 12/28/2012 | 22 | \$29,995 | \$640 |
| 2676 | C00495259 | IMMIGRATION911, LLC | | STANLEY P. DULL | \$505,587 | 1 | 2/13/2013 | Not Filed | \$24,971 | \$687 |
| 2677 | C00354613 | INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE | | MARTIN MASCUILLI | \$109,509 | 1 | 1/30/2013 | Not Filed | \$9,208 | \$412 |
| 2678 | C00417717 | KENTUCKY FORWARD PAC | | R. WAYNE STRATTON | \$116,770 | 0 | 2/6/2013 | Not Filed | \$17,293 | \$550 |
| 2679 | C00426320 | LIBERTARIAN PARTY OF INDIANA | | TODD SINGER | \$175,056 | 3 | 1/31/2013 | Not Filed | \$10,231 | \$962 |
| 2680 | C00357905 | LOUISIANA SHERIFFS AND DEPUTIES POLITICAL ACTION COMMITTEE | | MIKE CAZES | \$568,859 | 0 | 12/21/2012 | 15 | \$23,867 | \$185 |
| 2681 | C00426809 | MADISON PAC; THE | | BRIAN J. AHERN | \$694,588 | 0 | 12/23/2012 | 17 | \$20,236 | \$195 |
| 2682 | C00188011 | NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE | | WILLIAM A. USHER | \$114,493 | 0 | | Not Filed | \$1,747 | \$250 |

| | | | | | | | | | | |
|------|-----------|--|--|-----------------------|-----------|---|------------|---|----------|-------|
| 2684 | C00137794 | PLUMBERS AND PIPEFITTERS LOCAL UNION #25 FEDERAL POLITICAL ACTION COMMITTEE FUND | | W. THOMAS MCCUNE, JR. | \$111,293 | 0 | 12/13/2012 | 7 | \$11,753 | \$145 |
| 2685 | C00405233 | SCDCC: SONOMA CO. DEM. CEN.COM. | | DONALD RICHARD FRANK | \$289,015 | 0 | 12/15/2012 | 9 | \$11,912 | \$155 |

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| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|----------------|--------------------|-----------|----|--------------|-----------|----------|-------------|
| 2687 | C00446674 | WESTERN SUGAR COOPERATIVE POLITICAL ACTION COMMITTEE | | J. KENT WIMMER | \$299,912 | 0 | 1/2/2013 | 27 | \$2,000 | \$160 |
| 2688 | C00424150 | WOMEN'S CAMPAIGN FORUM | | SIOBHAN BENNETT | \$390,544 | 3 | 12/18/2012 | 12 | \$82,160 | \$3,080 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2012 30 Day Post-General Report)
(Unauthorized Filers) For The)
Administrative Fine Program:)
CHIANG PATEL AND YERBY INC PAC,) AF# 2671
and DAVID W HAYS as treasurer;)
CLEAN ENERGY PAC OF IBERDROLA) AF# 2672
RENEWABLES, INC., and GLICK,)
RICHARD A as treasurer;)
CROWE PAC, and LAZARD, ROBERT) AF# 2673
W. MR. as treasurer;)
EDWARDS WILDMAN PAC INC, and) AF# 2674
KOTLER, KEITH as treasurer;)
I.U.O.E LOCAL 15 POLITICAL ACTION) AF# 2675
COMMITTEE, and BURNS, ROBERT J. as)
treasurer;)
IMMIGRATION911, LLC, and STANLEY) AF# 2676
P DULL as treasurer;)
INT LONGSHOREMENS ASSOC (ILA)) AF# 2677
LOCAL 1291 POLITICAL ACTION)
COMMITTEE, and MARTIN MASCUILLI)
as treasurer;)
KENTUCKY FORWARD PAC, and) AF# 2678
WAYNE STRATTON as treasurer;)
LIBERTARIAN PARTY OF INDIANA,) AF# 2679
and TODD SINGER as treasurer;)
LOUISIANA SHERIFFS AND DEPUTIES) AF# 2680
POLITICAL ACTION COMMITTEE, and)
CAZES, MIKE as treasurer;)
MADISON PAC; THE, and AHERN,) AF# 2681
BRIAN J. MR. as treasurer;)
NATIONAL TANK TRUCK CARRIERS) AF# 2682
INC POLITICAL ACTION COMMITTEE,)
and WILLIAM A USHER as treasurer;)

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PLUMBERS AND PIPEFITTERS LOCAL) AF# 2684
UNION #25 FEDERAL POLITICAL)
ACTION COMMITTEE FUND, and W)
THOMAS MCCUNE JR as treasurer;)
SCDCC: SONOMA CO. DEM.) AF# 2685
CEN.COM., and FRANK, DONALD)
RICHARD MR. as treasurer;)

WESTERN SUGAR COOPERATIVE) AF# 2687
POLITICAL ACTION COMMITTEE, and)
KENT, J. MR. WIMMER as treasurer;)
WOMEN'S CAMPAIGN FORUM, and) AF# 2688
SIOBHAN BENNETT as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 01, 2013 the Commission took the following actions on the Reason To Believe Recommendation – 2012 30 Day Post-General Report (Unauthorized Filers) For The Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 29, 2013, on the following committees:

AF#2671 Decided by a vote of 5-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2672 Decided by a vote of 5-0 to: (1) find reason to believe that CLEAN ENERGY PAC OF IBERDROLA RENEWABLES, INC., and GLICK, RICHARD A as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil

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money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2673 Decided by a vote of 5-0 to: (1) find reason to believe that CROWE PAC, and LAZARD, ROBERT W. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2674 Decided by a vote of 5-0 to: (1) find reason to believe that EDWARDS WILDMAN PAC INC, and KOTLER, KEITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2675 Decided by a vote of 5-0 to: (1) find reason to believe that I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE, and BURNS, ROBERT J. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2676 Decided by a vote of 5-0 to: (1) find reason to believe that IMMIGRATION911, LLC, and STANLEY P DULL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2677 Decided by a vote of 5-0 to: (1) find reason to believe that INT LONGSFLOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2678 Decided by a vote of 5-0 to: (1) find reason to believe that KENTUCKY FORWARD PAC, and WAYNE STRATTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2679 Decided by a vote of 5-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

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be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2680 Decided by a vote of 5-0 to: (1) find reason to believe that LOUISIANA SHERIFFS AND DEPUTIES POLITICAL ACTION COMMITTEE, and CAZES, MIKE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2681 Decided by a vote of 5-0 to: (1) find reason to believe that MADISON PAC; THE, and AHERN, BRIAN J. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2682 Decided by a vote of 5-0 to: (1) find reason to believe that NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE, and WILLIAM A USHER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2684 Decided by a vote of 5-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION #25 FEDERAL POLITICAL ACTION COMMITTEE FUND, and W THOMAS MCCUNE JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2685 Decided by a vote of 5-0 to: (1) find reason to believe that SCDCC: SONOMA CO. DEM. CEN.COM., and FRANK, DONALD RICHARD MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2687 Decided by a vote of 5-0 to: (1) find reason to believe that WESTERN SUGAR COOPERATIVE POLITICAL ACTION COMMITTEE, and KENT, J. MR. WIMMER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Peterson, Walther, and Weintraub voted affirmatively for the decision.

AF#2688 Decided by a vote of 5-0 to: (1) find reason to believe that WOMEN'S CAMPAIGN FORUM, and SIOBHAN BENNETT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 2, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 2, 2013

Donald Richard Frank, in official capacity as Treasurer
SCDCC: Sonoma Co. Dem. Cen. Com.
P.O. Box 3727
Santa Rosa, CA 95402

C00405233
AF#: 2685

Dear Mr. Frank:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 26, 2012, shall be filed no later than December 6, 2012. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 15, 2012, nine (9) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2013, the FEC found that there is reason to believe ("RTB") that SCDCC: Sonoma Co. Dem. Cen. Com. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 6, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$155. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$155 is due within forty (40) days of the finding, or by May 11, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$11,912
Number of Days Late: 9
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that SCDCC: Sonoma Co. Dem. Cen. Com. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$155 for the 2012 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: SCDCC: Sonoma Co. Dem. Cen. Com.

FEC ID#: C00405233

AF#: 2685

PAYMENT DUE DATE: May 11, 2013

PAYMENT AMOUNT DUE: \$155

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Don Frank Treasurer
Sonoma County Democratic Central Committee
PO 3727 Santa Rosa, CA 95402-3727
[Hm. Office: PO Box 479 ~ Occidental, CA 95465-0479]
TeV (707) 874-9363 ~ fax/874-9241
Email: trees@sonic.net ~ Web: www.sonomademocrats.org

FEC # C00405233 ~ AF # 2685

20 April 2013

Ellen L. Weintraub, Chair
Federal Election Commission
Office of Administrative Review
999 E St. NW
Washington, D.C. 20463

Dear Ms. Weintraub,

In response to your letter AF# 2685 dated 2 April 2013 [copy enclosed], concerning our late filing of our 6 Dec. 2012 filing. I started to work on the 6 Dec. 2012 filing on the afternoon of Friday, 30 Nov. 2012. After gathering the data, I found that I was unable to open the FEC file. Your offices in Washington were closed for the day so on Monday, 3 Dec. I phoned the FEC tech support. We struggled together with it for 2 days. They were able to help me open FEC file, but 2 years of my records were corrupted. They told me I would have to rebuild the entire year of 2012 in order to do the 6 Dec. filing. I had been under the impression that it was a simple matter to replace any FEC info. as the FEC has it all on file, so I did not have it all backed up. However, the FEC tech. dept. & I found that this is not so. It must be rebuilt line by line completely.

Ultimately, I had to get the Best Buy Geek Squad to partially recover the FEC file & some data.
At that point I called my case officer Quy Vuong to tell him about the problem

I ultimately rebuilt all of 2012 & filed the report 15 Dec. 2012. I do not feel that we should be fined as the lateness was caused by software failure & I made a valiant effort & about 40 hours of extra work recovering & filing everything.

Thank you,

Don Frank, Treasurer

2013 APR 29 AM 11:04

**FEC OFFICE OF
ADMIN REVIEW**

13092693222



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 2013

Via First Class Mail

Donald Richard Frank, in official capacity as Treasurer
SCDCC: Sonoma Co. Dem. Cen.Com.
P.O. Box 3727
Santa Rosa, CA 95402

C00405233

AF#: 2685

Dear Mr. Frank:

On April 26, 2013, the Commission received the written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding the challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is written in a cursive, flowing style.

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092693223

Date: May 1, 2013

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2685

Committee Name: SCDCC: Sonoma Co. Dem. Cen. Com.

Committee ID#: C00405233

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

- **Copy of RTB Circulation Report, dated March 29, 2013 and RTB Certification, dated April 2, 2013 (Y/N): Previously Forwarded**
- **Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**
-
- **Other Relevant Telecoms (Y/N): N**
- **Original Correspondence Received by RAD in Response to RTB Letter (Y/N): Y or N**
- **RAD Staff Declaration (Y/N): Y**
 - 2012 30 Day Post-General Report Notices, dated October 1, 2012 and November 12, 2012.**
 - Non-Filer Letter, dated December 14, 2012.**
 - RTB Letter, dated April 2, 2013.**
- **Other RAD Information: (Y/N): N**

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Date: 04/04/2013

SARI PICKERALL:

The following is in response to your 04/04/2013 request for delivery information on your Express Mail(R) item number EM30 2696 595U S. The delivery record shows that this item was delivered on 04/03/2013 at 04:12 PM in SANTA ROSA, CA 95404 to S GALE. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in black ink, appearing to read "S. Gale".

Address of Recipient:

Box
3727

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.


Sincerely,

United States Postal Service

13092693225

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to SCDCC: Sonoma Co. Dem. Cen. Com.:
 - A) Report Notices, dated October 1, 2012 and November 12, 2012, referencing the 2012 30 Day Post-General Report (sent via electronic mail to: trees@sonic.net);
 - B) Non-Filer Letter, dated December 14, 2012, referencing the 2012 30 Day Post-General Report;
 - C) Reason-to-Believe Letter, dated April 2, 2013 referencing the 2012 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Committee Name filed the 2012 30 Day Post-General Report with the Commission on December 15, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 1st day of May, 2013.



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

13092693226



GENERAL ELECTION

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACs

October 1, 2012

CURRENT REPORT DUE

I. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17

| REPORT | REPORTING PERIOD ¹ | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|--------------------------|-------------------------------|---|-----------------|
| Pre-General ² | 10/01/12 - 10/17/12 | 10/22/12 | 10/25/12 |
| Post-General | 10/18/12 - 11/26/12 | 12/06/12 | 12/06/12 |

II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 17 ³

| REPORT | REPORTING PERIOD ¹ | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|--------------|-------------------------------|---|-----------------|
| Post-General | 10/01/12 - 11/26/12 | 12/06/12 | 12/06/12 |

REPORTING SCHEDULE FOR REMAINDER OF 2012

| REPORT | REPORTING PERIOD ¹ | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|----------|-------------------------------|---|-----------------|
| Year-End | 11/26/12 - 12/31/12 | 01/31/13 | 01/31/13 |

[Click here for Supplemental Filing Information](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

³Committees that made general election contributions or expenditures before October 1 and did not previously disclose them must also follow Chart I.

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B.

See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

13092693229



GENERAL ELECTION

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

November 12, 2012

**** REMINDER ****

All party committees and PACs (nonconnected committees and separate segregated funds) must file a Post-General Election Report.

Reports sent by Registered or Certified Mail must be postmarked by the mailing deadline (December 6, 2012). If using Overnight Mail, the delivery service must receive the report by the mailing deadline (December 6, 2012). Otherwise, the report must be received by the filing deadline (December 6, 2012).

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

13092693230



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 2012

RQ-7

FRANK, DONALD RICHARD MR., TREASURER
SCDCC: SONOMA CO. DEM. CEN.COM.
PO BOX 3727
SANTA ROSA, CA 95402

IDENTIFICATION NUMBER: C00405233

REFERENCE: POST-GENERAL REPORT 10/18/2012 - 11/26/2012

DEAR TREASURER:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact David Garr in the Reports Analysis Division on our toll free number (800)424-9530. Our local number is (202)694-1130.

Sincerely,

Debbie Chacona

Debbie Chacona
Assistant Staff Director
Reports Analysis Division (RAD)

12030893231



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAY 24 PM 2: 22

SENSITIVE

May 24, 2013

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2685 – SCDCC: Sonoma Co.
Dem. Con. Com. and Donald Richard Frank, in his official capacity as
Treasurer (C00405233)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092693232



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 24, 2013

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2685 – SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer (C00405233)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$155 civil money penalty.

Reason-to-Believe Background

On April 1, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$155 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter dated April 2, 2013 was mailed to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB findings and civil money penalties.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee not authorized by a candidate shall file, in an election year, a post-general election report no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). Reports electronically filed must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on the filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On April 26, 2013, the Commission received the written response ("challenge") from the Treasurer challenging the RTB finding. The Treasurer states that he began working on the filing on November 30, 2012. He then realized he was unable to open the Committee's FEC file. The Treasurer states he had not backed up his data because he believed the data could be easily retrieved from the FEC if necessary. He worked with the Commission's Electronic Filing Office (EFO) for two days and ultimately discovered two years of records were corrupted. The FEC informed him that he would have to rebuild the data file line by line in order to file the 2012 30 Day Post-General Report.

The Best Buy Geek Squad was able to partially recover the FEC file and some of the Committee's data. on December 11, the Treasurer rebuilt the file and filed the report on December 15. The Treasurer states the Committee should not be fined because 1) the

report was filed late due to a "software failure" and 2) he "made a valiant effort" and put in about 40 hours to recover the data and file the report.

Analysis

On December 3, 2012, three days before the 2012 30 Day Post-General Report filing deadline, the Treasurer contacted EFO for assistance with the Committee's corrupt data file. According to the Manager of the Systems Analysis and Design Branch within the Commission's Information Technology Division ("ITD"), EFO explained the process of rebuilding the data set by downloading transactions from the FEC website and then importing the data into FECFile. In addition, after the Treasurer mentioned he had a backup file which was only missing the data from a few reports, EFO advised the Treasurer to email the file to EFO to determine if it could be repaired. EFO never received the backup file.

On December 4, the Treasurer contacted EFO for assistance in uninstalling and reinstalling FECFile because he could not successfully load his data set. EFO walked him through the process and the Treasurer was able to load the data set. Later that night, the Treasurer emailed EFO, stating:

"...After I got off the phone with you yesterday I saved all my data to a flash drive. That took a long time. Then I opened the new FECFile & realized it only contained data through Dec. 2009. It was too late to phone you so I tried for 2 hours to download reports from the FEC website to get up to date [and] failed. Please call me [and] walk me through this tomorrow morning..."

On December 5, EFO again walked the Treasurer through the process of downloading transactions from the FEC website and then importing the data into FECFile. The Treasurer stated he would call back for further assistance if necessary.

On December 7, the day after the filing deadline, EFO sent a notice to "trees@sonic.net," the email address previously provided by the Committee, to inform the Committee they had not filed the 2012 30 Day Post-General Report. According to RAD telecoms (written records of telephone conversations), that same day, the Treasurer told a Reports Analyst that the data files he rebuilt from the FEC website appeared to be incorrect. The Reports Analyst informed him that the only other solution would be to re-enter all of the Committee's data dating back to the 2012 February Monthly Report. The Analyst advised him to re-enter the data and file the 2012 30 Day Post-General Report as soon as possible.

On December 14, RAD sent a non-filer notice to the Committee's address of record. The 2012 30 Day Post-General Report was electronically filed on December 15, 2012, 9 days late.

The Reviewing Officer recognizes the Treasurer's efforts to rebuild the data file and is sympathetic that he underwent a medical procedure during this time. However, contrary to the respondents' statement that there was a "software failure," corruption of a committee's data file is not considered a failure of Commission-provided software. In addition, illness or unavailability of the treasurer is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is

based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$155 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2685 involving SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2685 that SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$155 civil money penalty; and
- 3) Send the appropriate letter.

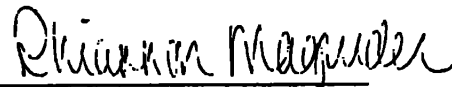
Acting Reviewing Officer: Rhiannon Magruder

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

DECLARATION OF RHIANNON MAGRUDER

1. I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Acting Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 30 Day Post-General Report is due December 6, 2012. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 6, 2012 to be timely filed.
3. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a. Cover Page and Summary Page for the 2012 30 Day Post-General Report electronically filed by SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer. According to the Commission's records, the report was received on December 15, 2012 and covers the period from October 18 through November 26, 2012.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 24th of May, 2013.



Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

SCDCC: SONOMA CO. DEM. CEN.COM.

ADDRESS (number and street) ▼

PO BOX 3727

Check if different
than previously
reported. (ACC)

SANTA ROSA

CA

95402

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲

C C00405233

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

(a) Quarterly Reports:

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)January 31
Year-End Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)

(c)

12-Day

PRE-Election

Report for the:

Primary (12P)

Convention (12C)

General (12G)

Special (12S)

Runoff (12R)

Election on

in the
State of

(d)

30-Day

POST-Election

Report for the:

X General (30G)

Runoff (30R)

Special (30S)

Election on

11

06

2012

in the
State of

CA

5. Covering Period 10 18 2012 through 11 26 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mr. Donald Richard Frank

Signature of Treasurer Mr. Donald Richard Frank

[Electronically Filed]

Date 12 15 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3X**
Rev. 12/2004

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

SCDCC: SONOMA CO. DEM. CEN.COM.

Report Covering the Period: From: 10 18 2012 To: 11 26 2012

| | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|---|-------------------------|-----------------------------------|
| 6. (a) Cash on Hand January 1, 2012 | | 25413.10 |
| (b) Cash on Hand at Beginning of Reporting Period..... | 20764.77 | |
| (c) Total Receipts (from Line 19) | 13295.59 | 98040.11 |
| (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) | 34060.36 | 123453.21 |
| 7. Total Disbursements (from Line 31) | 21076.53 | 110469.38 |
| 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) | 12983.83 | 12983.83 |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

13092693238



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 24, 2013

Donald Richard Frank, in official capacity as Treasurer
SCDCC: Sonoma Co. Dem. Cen.Com.
P.O. Box 3727
Santa Rosa, CA 95402

C00405233

AF#: 2685

Dear Mr. Frank:

On April 1, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that SCDCC: Sonoma Co. Dem. Cen.Com. and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$155 based on the schedules of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer Recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via fax (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written responses or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in these matters.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhianon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092693239



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 JUN 12 PM 3: 33

June 12, 2013

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orruck *PCO*
Chief Compliance Officer

Rhiamon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2685 – SCDCC: Sonoma Co. Dem.
Gen. Com. and Donald Richard Frank, in his official capacity as Treasurer
(C00405233)

On April 1, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$155 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 26, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated May 24, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. They submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$155.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

13092693240

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2685 involving SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2685 that SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$155 civil money penalty; and
- 3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

13092693241

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2685
SCDCC: Sonoma Co. Dem. Cen. Com. and)
Donald Richard Frank, in his official)
capacity as Treasurer (C00405233))

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,
do hereby certify that on July 05, 2013, the Commission decided by a vote of 5-0 to
take the following actions in AF 2685:

1. Adopt the Reviewing Officer recommendation for AF# 2685 involving SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2685 that SCDCC: Sonoma Co. Dem. Cen. Com. and Donald Richard Frank, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$155 civil money penalty.
3. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

July 5, 2013
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

13092693242



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 2013

VIA OVERNIGHT DELIVERY

Donald Richard Frank, in official capacity as Treasurer
SCDCC: Sonoma Co. Dem. Cen.Com.
P.O. Box 3727
Santa Rosa, CA 95402

C00405233
AF#: 2685

Dear Mr. Frank:

On April 1, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that SCDCC: Sonoma Co. Dem. Cen.Com. and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report. By letter dated April 2, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$155 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 26, 2013, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that SCDCC: Sonoma Co. Dem. Cen.Com. and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$155 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on May 24, 2013.

On July 5, 2013, the Commission adopted the Reviewing Officer's recommendation and made a final determination that SCDCC: Sonoma Co. Dem. Cen.Com. and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$155. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

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At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$155 for the 2012 30 Day Post-General Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: SCDCC: Sonoma Co. Dem. Cen.Com.

FEC ID#: C00405233

AF#: 2685

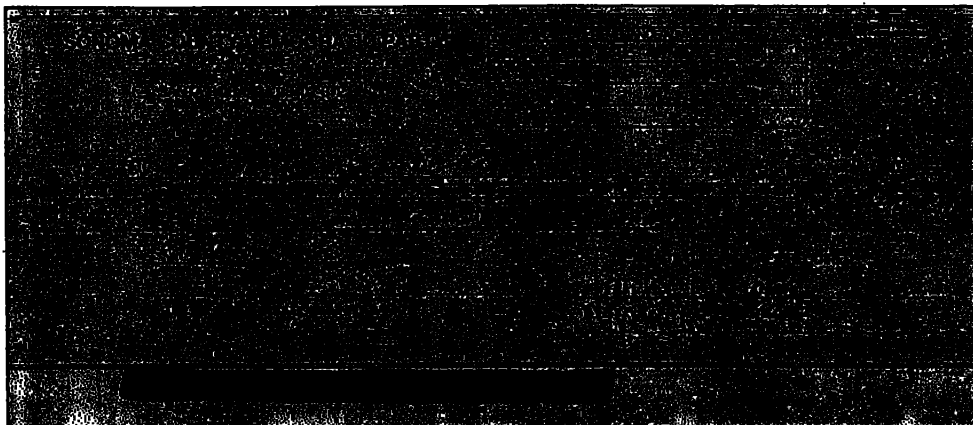
PAYMENT AMOUNT DUE: \$155

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 09/16/2013

usbank.

St. Louis GA Lockbox
(314) 425-1818



| Batch | Item | TID | Batch Total | Amount |
|-------|------|-----------|-------------|----------|
| 1 | 1 | Y-3011943 | \$155.00 | \$155.00 |

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2685

DATE SCANNED

11/6/13

SCANNER NO.

2

SCAN OPERATOR

EEJ

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